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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSHUA ALAN EDDLEMON

Defendant and Appellant.

G041448

(Super. Ct. No. 08CF0021)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, William Lee Evans, Judge. Affirmed.

H. Reed Webb, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant Joshua Alan Eddlemon was charged with residential burglary (Pen. Code, § 459)<sup>1</sup> and receiving stolen property (§ 496). The information further alleged the crime was committed for the benefit of a criminal street gang (§ 186.22, subd. (b)(1)) and that defendant had previously been convicted of six serious and violent felonies (§ 667, subds. (d), (e)(2)(A); § 1170.12, subds. (b), (c)(2)(A)).

After a jury trial, defendant was convicted on both counts. In a bifurcated trial, the jury found the gang enhancement to be not true. Defendant waived trial on the prior convictions, which were found true by the court.

Defendant was sentenced to eight years in state prison, based on the middle term of four years, doubled due to the prior strike conviction. The court dismissed the count of receiving stolen property because it arose from the burglary and five of the six felony priors. He was also ordered to pay restitution to the victims.

Defendant filed a notice of appeal, and we appointed counsel to represent him.<sup>2</sup> Counsel filed a brief which set forth the facts of the case. Counsel did not argue against the client, but advised the court no issues were found to argue on defendant's behalf. We examine the entire record ourselves to see if any arguable issue is present.

The charges arose from the following summary of facts. Vance and Veronica Morris lived in the City of Orange. At the time, Carissa Madsen and another young woman were living with them. When the Morrises returned home from a weekend trip in April 2007 (which did not include Madsen), they found that their home had been burglarized, with approximately 500 items missing. Approximately \$30,000 worth of

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<sup>1</sup> Subsequent statutory references are to the Penal Code.

<sup>2</sup> When counsel reviewed the record, he found what he characterized as “a custody time credits of major proportions — more than 300 days.” According to defendant's brief, this was corrected in the trial court, resulting in custody credits of 560 days plus 280 days for conduct.

jewelry, as well as a checkbook, television, credit cards, and electronic equipment, were missing.

The police investigation yielded a latent fingerprint later determined to belong to defendant. When visiting defendant's listed address, the police saw a pickup truck similar to one described seen by the Morris's neighbor on the day of the burglary. Defendant's mother, Cynthia Richardson, answered the door, and gave the police permission to search the home. She was the registered owner of the truck. She told police that defendant was in possession of the truck at the time of the burglary.

In defendant's bedroom, the police found some computer equipment that came from the Morris burglary, and more stolen items were recovered in the garage. In all, over 100 items from the burglary were recovered at defendant's residence.

At defendant's residence, police also spoke to defendant's friend Amy Meek, who was staying with Richardson at the time. Meek matched the general description of a woman seen by the Morris's neighbor, who had been walking away from the house on the day of the burglary. As it turned out, Meek and defendant both knew Madsen, the young woman staying with the Morris's. Richardson described defendant and Meek as "good friends." Madsen had called Veronica Morris on the day they returned from their trip to find out what time they would be home. Meek was arrested, and later that day, another friend of hers was also arrested in possession of an item from the Morris burglary.

Later, defendant's fingerprint was lifted from a digital video recorder that had been taken in the burglary and recovered at his residence. Defendant was arrested approximately a month later, when he fled from a car that had been stopped for a traffic violation.

We must view the evidence in the light most favorable to the judgment, drawing all reasonable deductions from the evidence in the judgment's favor. We must accept all assessments of credibility as made by the trier of fact, then determine if

substantial evidence exists to support each element of the offense. (See *People v. Carpenter* (1997) 15 Cal.4th 312, 387.) Before a verdict may be set aside for insufficiency of the evidence, a party must demonstrate “that upon no hypothesis whatever is there sufficient substantial evidence to support it.” (*People v. Redmond* (1969) 71 Cal.2d 745, 755; *People v. Bolin* (1998) 18 Cal.4th 297, 331.)

We find there is no arguable issue as to substantial evidence. The facts here speak for themselves, and the recovery of the stolen items in defendant’s residence combined with his fingerprint at the scene and on a stolen item are more than sufficient to constitute substantial evidence of defendant’s guilt. When combined with the additional facts about the relationship between defendant, Meek and Madsen, the presence of the truck defendant was driving at the scene, and his later flight, the evidence of defendant’s guilt was more than enough for a reasonable jury to be convinced of his culpability.

We have examined the record and found no other arguable issue. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was given 30 days to file written argument on his own behalf. That period has passed, and we have received no communication from defendant.

The judgment is affirmed.

MOORE, J.

WE CONCUR:

SILLS, P. J.

BEDSWORTH, J.